

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAMONT A. CHAPEL,

Defendant.

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No. 3:23-CR-12-KAC-DCP

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Lamont Chapel's Unopposed Motion to Continue All Deadlines and Trial [Doc. 14], filed on May 23, 2023.

In his motion, Defendant Chapel asks the Court to continue the June 27, 2023 trial date and related deadlines. Counsel for Defendant states that she is in the process of reviewing discovery. Counsel relates that she needs additional time to review the discovery with Defendant, who is detained in Laurel County, Kentucky. Defense counsel relates that she and counsel for the Government are in good communication regarding this case and that the Government does not oppose the requested continuance. Counsel submits that granting the requested continuance would provide the parties an opportunity to make a full resolution of this case and serve the ends of justice in that the need for additional time to properly prepare the case outweighs the best interests of the public and Defendant in a speedy trial. Finally, counsel states that the right to a speedy trial has been explained to Defendant, who understands that the period of time between the filing of the instant motion and a rescheduled trial date would be fully excludable time.

Based upon the information provided by Defendant in his motion and the lack of opposition by the Government, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs additional time to review the discovery herself and with Defendant, determine whether any pretrial motions are necessary, and otherwise prepare for trial. All of this cannot be done by the June 27, 2023 trial date.

The Court therefore **GRANTS** Defendant Chapel’s Unopposed Motion to Continue All Deadlines and Trial [**Doc. 14**]. The trial of this case is reset to **August 29, 2023**. A new, comprehensive, trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on May 23, 2023, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), -(h)(7)(A)–(B).

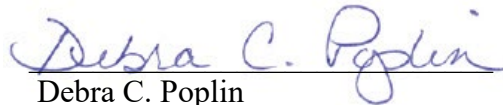
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Chapel’s Unopposed Motion to Continue All Deadlines and Trial [**Doc. 14**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **August 29, 2023, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;
- (3) All time between the filing of the motion on **May 23, 2023**, and the new trial date of **August 29, 2023**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing pretrial motions is extended to **June 30, 2023**. Responses to motions are due on or before **July 14, 2023**;

- (5) The deadline for filing a plea agreement in the record and providing reciprocal discovery is **July 28, 2023**;
- (6) The deadline for filing motions *in limine* is **August 14, 2023**;
- (7) The parties are to appear before the undersigned for a final pretrial conference on **August 15, 2023, at 10:00 a.m.**; and
- (8) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **August 18, 2023**.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge